

OCCUPATIONAL TOOLS, EQUIPMENT, LICENSES,
INITIAL STOCK AND SUPPLIES

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended in Title IV of the Workforce Investment Act of 1998; Section 103(a)(9); 34 CFR 361.48(p); RIGL 37-2-22.

II. POLICY STATEMENT AND PURPOSE:

It is the policy of the Office of Rehabilitation Services (ORS) to provide individuals with disabilities with all necessary services and supplies to insure their reaching the goal of employment, including self-employment and small business enterprise. This section outlines the standards and procedures for the provision of occupational licenses, tools, equipment, and initial stock and supplies whenever necessary to enable a client to attain or maintain employment.

A. Definitions

1. Tools - Those tools not normally provided by the trainer or employer that are required to enable a person with a disability to participate in a training program or to obtain and maintain suitable employment, including specialized tools which will enable the individual with a disability to perform a particular work function.
2. Equipment - Apparatuses, machinery (including computers and all necessary attachments), and appliances normally found in places of business. Equipment usually includes those apparatuses, machinery, and appliances that are ordinarily of a stationary nature during the time of utilization and which effect a given result for a particular business, trade or profession.
 - a. Equipment considered assistive technology to accommodate the individual with a disability and assist in her/his overall performance in the business or profession, may be provided, but as outlined under Section 115.16.
3. Occupational License - Any license, permit, or other written authority required by a state, city, or other governmental unit in order to enter an occupation or small business.
4. Initial Stock and Supplies

**RHODE ISLAND DEPARTMENT OF HUMAN SERVICES
OFFICE OF REHABILITATION SERVICES
POLICY AND PROCEDURES MANUAL**

**Section 115.20
Rev. 09/04**

- a. Stock - The initial inventory of merchandise or goods necessary for direct resale to consumers or for further preparation for direct resale by an individual with a disability who is self-employed. The Business Enterprises Program is not subject to this policy; see Section 115.13.
 - b. Supplies - Initial expendable items necessary to enable the individual with a disability to carry out the normal operations of a business, trade, or profession on the premises.
5. Clothing/Uniforms - Those items of clothing required or expected of an individual entering a career or occupation.

III. PROCEDURES:

- A. If the employment goal approved by the counselor and supervisor is self-employment, an approved business plan is included as an attachment to the Individualized Plan for Employment (IPE) (See Employment, Section 115.10).
- B. Conditions/Limitations
 - 1. Comparable benefits must be considered (See Section 115.5).
 - 2. A financial needs test must be conducted to determine the agency's financial participation in the provision of services and occupational licenses, tools, equipment, and initial stocks and supplies (See Section 115.8).
 - 3. The counselor must document that the individual with a disability has a reasonable likelihood of qualifying for and securing the occupational license. The counselor must determine that:
 - a. The physical and intellectual demands of the occupation, with or without reasonable accommodations are within the capability of the individual with a disability; and
 - b. The determination is based on a rehabilitation engineering assessment; and
 - c. Any issues raised have been addressed wherever appropriate.
 - 4. Responsibility for any necessary insurance for and maintenance of tools and equipment must be described in the IPE.
 - 5. Equipment may be purchased, leased, or rented when necessary to enable an individual with a disability to carry out the requirements and efficient operation of a business, trade, or profession.

6. The agency may provide up to six (6) months of initial stock and supplies as required by the specific business, trade, or profession.
7. The individual with a disability is expected to replenish depleted initial stock and supplies thereafter.
8. The counselor may authorize up to a maximum of ten thousand dollars (\$10,000) for the purchase of any necessary occupational licenses, tools, equipment (excluding assistive technology), or initial stocks and supplies.
 - a. The Administrator has the authority to waive the maximum amount when individual exceptional circumstances warrant.
 - b. The nature and scope of the individual exceptional circumstances must be documented and approved prior to authorization of purchases.
9. The Agency may provide tools, equipment, or occupational licenses when necessary for the individual with a disability to maintain employment. The Agency shall not provide initial stocks and supplies as post-employment services.
10. The Agency shall hold legal title and control of any tools, equipment, and initial stocks and supplies purchased for an individual with a disability as part of the IPE, in accordance with state laws and regulations. At the time such equipment is included in the individual's IPE, an ORS-20 shall be completed and signed, with original to the client, copy for the record, and copy to Fiscal.
 - a. The Agency may require the return of such property if it is determined that the property is not being used for the purpose for which it was provided or in cases of fraud, waste, or abuse.
 - b. All such property shall be returned to the Agency in good condition upon request. While title is held by the Agency, these goods cannot be attached, confiscated, or otherwise encumbered by creditors or other such entities.
 - c. When the case is ready for closure, title to these goods shall be transferred to the client via the release of ownership on the ORS-20 form. Closure may occur when the individual with a disability is performing successfully in an occupation or self-employment for ninety (90) days, and, if in self-employment, meets outcome criteria for self-employment closure criteria.

- 1) The closure criteria for success in achieving a self-employment goal are:
 - a) Achievement of the first six (6) month objectives written into the business plan; and
 - b) Attainment of the criteria for an employment outcome (section II).

C. Purchasing Procedures

1. Any item costing two hundred fifty dollars (\$250) or less may be purchased directly by the agency.
2. Any item costing in excess of two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500) may be purchased after the individual and counselor have secured three (3) competitive bids and have documented justification as to the final choice of vendor.
3. Items costing more than two thousand five hundred dollars (\$2,500) may be obtained through the State Purchasing System's competitive bidding process.

D. Licenses

1. The individual with the assistance of the counselor, as necessary, shall contact the appropriate licensure authority to determine the specific requirements.

Examples include, but are not limited to:

 - a. Bonding requirements for the profession; and/or
 - b. Health and safety requirements for the trade.
2. License fees, and if necessary, funding for training and/or examinations required to obtain a license or certificate may be provided by the Agency.
3. License renewals will be the responsibility of the individual with a disability.

E. Tools

1. In assessing the need for tools, the counselor authorizes reimbursement for only those tools, such as a starter kit, necessary to meet the particular job requirements. Before any authorization, counselors shall explore whether the employer will provide those tools in the course of hiring an individual for that job.

2. Tools required in the course of postsecondary training are considered books and supplies. See Section 115.28.

F. Equipment

1. The counselor assists the individual with a disability to assess the equipment needs related to a particular profession, trade, or business, including obtaining a professional assessment, as necessary.
2. A rehabilitation technology assessment related to the occupational equipment may also be appropriate for certain individuals.
3. All equipment that is purchased by ORS must meet industry safety standards as described by OSHA or another similar regulatory agency. The counselor must ensure that the individual has been trained in the use of the equipment through a report from a qualified vendor stating that the individual is knowledgeable and proficient in its use.

G. Initial Stock and Supplies

1. The counselor assists the individual with a disability in determining what constitutes adequate initial stock and supplies through consultation with a similar business or appropriate entity.
2. ORS may provide for a period of six (6) months' initial stock and supplies as required and stipulated by place of business. Any exception to the six (6) month limit shall require administrative approval.

H. Legal Title

1. The individual with a disability must be informed about legal title and control and complete the top portion of the "Ownership of Materials Statement" form (ORS-20). One copy is given to the individual, one copy is forwarded to the fiscal office, and one copy is filed in the case folder.
2. Once an individual with a disability has been determined to be rehabilitated in self-employment or other occupation, the counselor shall complete the bottom portion of the "Ownership of Materials Statement" (ORS-20) form, thereby releasing the materials to the individual. One copy is given to the individual, one copy is sent to the fiscal office, and one copy is filed in the case folder.
 - a. If the individual: 1) does not use the materials as intended; 2) does not succeed in training or employment prior to case closure; or 3) is

convicted of fraud after closure, these materials may be retrieved and returned to the agency.

3. When the Agency is involved in partial purchase of equipment, stock, tools, or supplies, the Agency will retain that percentage of ownership as indicated in the Economic Need Form (ORS-60).